

KOLESAR & LEATHAM
400 South Rampart Boulevard, Ste. 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

RANDOLPH L. HOWARD, ESQ.
Nevada Bar No. 006688
SHLOMO S. SHERMAN, ESQ.
Nevada Bar No. 009688
KOLESAR & LEATHAM
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Telephone: (702) 362-7800
Facsimile: (702) 362-9472
E-Mail: rhoward@klnevada.com
ssherman@klnevada.com

Attorneys for Judgment Creditor
AMERICAN BOARD OF SURGERY, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AMERICAN BOARD OF SURGERY, INC.,

Case No. 2:11-cv-01350

Plaintiff/Judgment Creditor,

vs.

KEITH A. LASKO, et al.,

Defendants/Judgment Debtors.

STIPULATION AND ORDER RE MOTION TO DETERMINE EXEMPT STATUS

Judgment Creditor, AMERICAN BOARD OF SURGERY, INC. ("Judgment Creditor"), by and through its undersigned attorneys of the law firm Kolesar & Leatham, together with Judgment Debtor Keith A. Lasko, by and through his counsel Karl J. Andersen, Esq. of the Law Offices of Karl Andersen, PC ("Judgment Debtor") hereby submit their consensual resolution of the Motion to Determine Exempt Status filed by Judgment Creditor, and stipulate and agree as follows:

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RECITALS

1. On or about January 7, 2011, a judgment was entered against Judgment Debtor

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1 KEITH A. LASKO (the "Judgment Debtor") in the United States District Court for the Eastern
 2 District of Pennsylvania as Docket No. 46 of that the court's docket.

3 2. On or about March 1, 2011, the aforementioned judgment was registered with this
 4 Court pursuant to 28 U.S.C. § 1963 (the "Judgment") as Docket No. 1.

5 3. In connection with the Judgment, the Clerk of this Court issued a Writ of Execution
 6 for the purpose of satisfying the Judgment out of the Judgment Debtor's assets. *See* Docket No. 4.

7 4. Judgment Creditor thereafter instructed the U.S. Marshall to seize two vehicles
 8 registered to the Judgment Debtor in the State of Nevada: one 2002 Mercedes-Benz, VIN
 9 WDBRF64J52F233284 (the "Mercedes"), and one 1993 BMW, VIN WBACB4313PFL06309 (the
 10 "BMW," and collectively with the Mercedes, the "Vehicles") to be auctioned in partial satisfaction
 11 of the Judgment.

12 5. On August 6, 2011, the U.S. Marshall seized both Vehicles.

13 6. Section 21.090(1) of the Nevada Revised Statutes provides that "[t]he following
 14 property is exempt from execution, except as otherwise specifically provided in this section or
 15 required by federal law...(f) Except as otherwise provided in paragraph (p), *one vehicle* if the
 16 judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any
 17 excess above that equity." (Emphasis added.)

18 7. Judgment Debtor has elected to claim the Mercedes as his one exempt vehicle under
 19 N.R.S. § 21.090(1).

20 8. Judgment Creditor agrees not to contest Judgment Debtor's election.

21 9. Judgment Debtor has agreed not to contest the sale of the BMW in partial
 22 satisfaction of the Judgment.

23 WHEREFORE it is hereby stipulated and agreed that:

24 A. The Mercedes shall constitute Judgment Debtor's exempt vehicle under N.R.S. §
 25 21.090(1)(f);

26 B. The U.S. Marshall and/or its designated custodian is hereby directed to release the
 27 Mercedes to Judgment Debtor forthwith;

28 C. The U.S. Marshall is hereby directed to sell the BMW pursuant to the Writ of

1 Execution and to apply the net proceeds therefrom in partial satisfaction of the Judgment.

2 DATED this 15th day of August, 2011.

3 **KOLESAR & LEATHAM**

LAW OFFICES OF KARL ANDERSEN, PC

4 By 

By 

5 RANDOLPH L. HOWARD, ESQ.

KARL J. ANDERSEN

Nevada Bar No. 006688

Nevada Bar No. 10306

6 SHLOMO S. SHERMAN, ESQ.

10161 Park Run Dr. Suite 150

Nevada Bar No. 009688

Las Vegas, NV 89145

7 400 South Rampart Boulevard, Suite 400

Las Vegas, Nevada 89145

Attorney for Judgment Debtor

KEITH A. LASKO

8 Attorneys for Judgment Creditor,

9 AMERICAN BOARD OF SURGERY, INC.

10 **ORDER**

11 **IT IS SO ORDERED** this 6th day of September, 2011.

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14 Gloria M. Navarro

15 United States District Judge
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